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APPROVED: Meeting No. 22-83

ATTEST:

Helen M. Heneghan

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 13-83

May 9, 1983

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland on Monday, May 9, 1983, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Council man Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Paul Glasgow; City Clerk Helen Heneghan.

Re: City Manager's Report

Mr. Blick reported the following:

1. Questions have been asked about the progress of the construction on Veirs Mill Road. The contractor has resumed work and is anticipating that the job will be finished in early July.

2. Next Wednesday the Planning Commission will be reviewing an application by Metropolitan Federal Savings and Loan for the construction of a branch office at the site of the Market Center.

3. The first Saturday in the Square was held last week and the staff is pleased with the results. Approximately 1,000 people attended and the vendors were pleased with the outcome.

The Mayor congratulated the staff on a fine day.

4. The Mayor recognized Thelma O'Connell, Commander of the American Legion Auxillary, who introduced Mrs. Fennell who is the Chairman of the sales of Memorial Day poppies, and they presented to the Mayor and Council Miss Amy Lynn Palmer, who is Miss Memorial Day Poppy Girl. The sale, beginning tonight with the Mayor's first purchase, will culminate in the Memorial Day Parade celebration.

5. Mayor Freeland recognized Ken Burdit of Rockville United Methodist Church who has present with him this evening some members of the Confirmation Class. The young people were presented to the Council and complimented on their progress in the pprogram.

Re: Appointments

The Mayor, with the confirmation of the Council, made the following appointments:

Traffic and Transportation Commission - Thomas A. Ouska - two year term
722 Owens Street

Energy Commission - Howard Leviton - reappointed to two year term

Cultural Arts Commission - Ellie Chamberlain - two year term

Re: Proclamation -
"Small Business Week"
May 8-14

Proclamation No. 5-83

Mayor Freeland proceeded to issue Proclamation No. 5-83, the full text of which can be found in Proclamation File No. 2 of the Mayor and Council proclaiming the week of May 8-14 as Small Business Week in Rockville.

Councilman Abrams read the proclamation at the request of the Mayor in which it was urged that all citizens support small business in recognition of the significant contribution it makes to the American economy. Bernice Grossman, Executive Director of the Chamber of Commerce, accepted the Proclamation on behalf of the small businessmen. Lisa Taylor, of the Chamber of Commerce, presented copies of the Community Guide to the Mayor and Council. She thanked the staff, particularly Sue Patterson, for their assistance in this publication. Mayor Freeland complimented the Chamber on the Guides and noted the good relationship that exists between the City and Chamber.

Re: Proclamation - "Historic
Preservation Week"
May 8-14

Proclamation No. 6-83

There being no objections from the Council, Mayor Freeland proceeded to issue Proclamation 6-83 proclaiming the week of May 8-14 as Historic Preservation Week in Rockville. Councilwoman Hovsepian read the proclamation at the request of the Mayor in which it was urged that the people of Rockville recognize and participate in this special observance. Robert Weirich, President of Peerless Rockville, accepted the proclamation on behalf of the organization. He addressed the Council and explained that each year Peerless Rockville makes awards to those helping to preserve the community's architectural heritage. Four awards were presented. One to Mr. and Mrs. Robert Childs of 812 Grandin Avenue. Another to

Richard Kimmel for the Natural Resources Building on Gude Drive. A third to John Bell for his adaptive use of the old Rockville Christian Church. And the fourth to the Mayor and Council of Rockville for the City Hall addition and renovation. Charles Hall, architect for the building, joined in receiving the award.

Re: Citizens Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. William Mark Allen of 926 Farm Haven Drive. Mr. Allen addressed the Council and listed the problems that exist in the North Farm area with leaking basements. Some of the homes in the subdivision were built under the 1975 code which did not have the 1976 amendments incorporated causing the wrong criteria for inspection. Mr. Allen introduced the neighbors that accompanied him this evening from Farm Haven and Chancelet Court, all of whom are having problems. He asked the Mayor and Council's aid in finding where the homeowners can go to get some relief from their problems. Mayor Freeland said that Mr. Allen has presented new information that has not been seen before tonight, so he asked the City Manager to review the entire picture as it was done last January. The City Manager will then come back to the Mayor and Council with some recommendations. The Manager said he would do a chronological report on what is involved, but help will certainly be needed from the City Attorney's office. There are some question over which City codes were in effect at the time the inspection was made and which City codes were used. Mr. Allen offered his full cooperation to both the City Manager and the City Attorney in their review.

2. Steve Fisher, 1014 Neal Drive, Vice President of the Burgundy Knolls Neighborhood Alliance. Mr. Fisher said that two weeks ago he appeared before the Mayor and Council and asked the deferral of action on a property exchange at First Street. He has this evening a letter in opposition to any further action and three neighbors join him in this approach. Mr. Yelleck, Mr. McDermott, and Mr. Broderick.

3. John F. Broderick, 1022 Neal Drive. Mr. Broderick said his land abuts the property that would be exchanged. It is a severe nuisance, problems go on all the time with car repairs, etc. Mayor Freeland noted that the City does have a noise ordinance and asked the City Manager to look into this

problem.

4. William B. McDermott, 1020 Neal Drive. Mr. McDermott said when he originally moved into his property there were cows next to him. He now has to contend with trucks, motorcycles and late night drinking. He asked for some remedy for this problem.

5. Joe Yelleck, 1018 Neal Drive. Mr. Yelleck said trash is the worst aggravation and automobile maintenance causing a good deal of noise.

Mayor Freeland asked the City Manager for a report back.

6. Robert Minkoff, 933 Farm Haven Court. Mr. Minkoff read to the Council from the 1975 BOCA code which addressed waterproofing. He spoke to the Council on the problems of the louvers that had been discussed in this Council Chamber earlier this year. Mr. Freeland stressed to Mr. Minkoff and the other neighbors that the Council is aware that problems do exist in that neighborhood. He would like information brought back to the Council from the staff on the bonding arrangements that are made for the developers in the community. He would also like some thoughts from the staff on the possibility of delaying issuance of occupancy permits to the developer of North Farm unless the problem of the basements in that area is solved.

There being no further citizens wishing to address the Mayor and Council, the Citizens Forum portion of the meeting was closed.

Re: Review of Proposed Statements
By Advisory Commission on Public
Education

- A. Quality Education/Racial
Balance Policy
- B. Board of Education policy
used in development of 15
year facilities plan

The Board of Education has requested community leaders and community groups to review the Board's policies on long-range facilities planning and the Board's policies on quality education/racial balance. The purpose of this requested review is to determine whether or not there should be changes in these policies.

The Board of Education will conduct a preliminary discussion on these policies on May 23, 1983. The Superintendent has requested comments by May 16.

At its meeting of April 27, 1983, the Advisory Commission on Public Education reviewed these policies and prepared a statement. It should be reviewed and approved by the Mayor and Council before being forwarded to the Superintendent of Schools.

The Mayor and Council reviewed the policy. Councilman Tyner

suggested a technical change and the brackets be removed and the word

"municipality" be underlined. Councilman Abrams noted that the main

thrust of the request is to ask the School Board to stay in touch with

the City.

On motion of Councilman Duncan, duly seconded and unanimously

passed, the Mayor and Council approved the statement.

Re: Award of Contract: Bid No.

46-83, College Square - water

and sewer.

Bids were opened on Tuesday, April 19, 1983, at 3:00 p.m., in

the City Hall Council Chambers, covering the construction of water and

sewer mains and house services for Part III of College Square subdivision,

Bid #46-83. This project will serve forty-eight new townhouse dwellings

and was authorized by the Mayor and Council as a Special Assessment project

on October 26, 1981. The balance of the bid is \$69,155.00.

Seven bids were picked up by contractors and five were received

as follows:

Deneau Construction, Inc., Gaithersburg, MD \$66,143.00

Nazario Construction Co., Inc., Beltsville, MD 68,006.25

DiMeglio Construction Co., Inc., Hyattsville, MD 72,905.00

Joseph Canova & Son, Inc., Laurel, MD 74,425.00

Calcon Company, Inc., Gaithersburg, MD 83,940.00

Engineer's Estimate \$69,155.00

The prices proposed by the low bidder, Deneau Construction, Inc.,

are favorable and continue to reflect the current trends of reduced prices

for public water and sewer installations. This contractor is experienced

and has previously performed, in a satisfactory manner, storm drainage

construction for the City and water and sewer installations for the

Washington Suburban Sanitary Commission.

This project is proposed to be completed by July 11, 1983, and is the final phase of water and sewer installation in this subdivision.

The staff recommends the award of Bid No. 46-83 to the low bidder, Deneau Construction, Inc., in the amount of their bid of \$66,143.00.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid No. 46-83, water and sewer, was awarded to Deneau Construction, the low bidder in the amount of \$66,143.00.

Re: Decisions and Instructions to staff: SCA-43-83, WMATA, Applicant

The subject application which seeks abandonment is a small, unused portion of South Stonestreet Avenue right-of-way, lying south of the Rockville Metro station parking lot.

The subject right-of-way is between relocated Stonestreet Avenue (actually owned by the Washington Metropolitan Area Transit Authority) and the property of Rodney R. Day, et. al. The Day property is improved with a service industrial building. One of its driveways crosses the subject right-of-way for access to relocated Stonestreet Avenue.

The subject right-of-way is approximately 130 feet in length and contains 5,464 square feet. The balance of the old Stonestreet Avenue right-of-way, preempted by the Metro station, was abandoned in 1981. The subject section is a residue that was not needed for construction of station facilities and therefore was not abandoned previously.

By motion of Councilman Tyner, duly seconded and unanimously passed, the staff is instructed to prepare the necessary legal documentation to grant the application provided it includes the conditions as stated by the Planning Commission.

RE: Introduction of Ordinance:
To Authorize the borrowing
of \$79,000.00 to finance
certain computer and office
equipment. 1

On motion of Councilman Abrams, there was introduced upon the table, an ordinance authorizing the borrowing of \$79,000.00 to finance certain computer and office equipment, said ordinance to lay over at least one week before final action is taken.

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Re: Introduction of Ordinance;
To authorize the issuance
of general obligation bonds
of the Mayor and Council of
Rockville, Maryland, in an
amount not to exceed
14,000,000.00.

On motion of Councilman Abrams, there was introduced upon the table, an ordinance to authorize the issuance of general obligation bonds of the Mayor and Council of Rockville, Maryland, in the amount not to exceed \$14,000,000.00, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of Ordinance:
Appropriations Ordinance
for FY 1984

On motion of Councilwoman HOvsepien, there was introduced upon the table, an ordinance to appropriate funds for FY 1984. A public hearing will be held on Monday, May 16.

Re: Introduction of Ordinance:
To amend Section 7-2.16 of
Chapter 7 of the Laws of
Rockville, entitled Water
Consumption Charge.

On motion of Councilman Abrams, there was introduced upon the table, an ordinance to amend Section 7-2.16 of Chapter 7 of the Laws of Rockville, entitled Water Consumption Charge, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of Ordinance
To amend Section 7-2.17 of
Chapter 7 of the Laws of
Rockville, entitled Sewer
Usage Charge.

On motion of Councilman Duncan, there was introduced upon the table, an ordinance to amend Section 7-2.17 of Chapter 7 of the Laws of Rockville, entitled Sewer Usage Charge, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of Ordinance:
To amend Section 12-1.18B
of Chapter 12 of the Laws
of Rockville, to reduce the
time period in which a pur-
chaser may terminate a
contract following notifica-
tion of special assessment
from the present 10 days to
24 hours.

Councilman Tyner asked why the time was being reduced from 10 days to 24 hours.

Had the staff considered three days? Mr. Lawton stated there is no further information needed to make a decision and it would seem this 24 hours is enough time to make a decision. Mayor Freeland agreed that there could be some problem. Councilman Tyner also noted that nothing is there which says the information must be received, it simply says provided. The Mayor suggested this should also be clarified. The City Attorney said clarifying language would be brought forward. Councilman Duncan noted that he prefers the three-day period. It does not seem to him that 24 hours is long enough to make a decision. It could cause too much pressure. Mayor Freeland agreed and said those points can be addressed when the ordinance is up for adoption. It would not seem unreasonable to suggest to the Board of REaltors that 72 hours might be preferable.

On a motion by Councilman Tyner, the ordinance was introduced.

Re: Introduction of Ordinance:
To grant Text Amendment
Application, T-54-82,
Burgundy Park Associates,
Inc., Applicant

On motion of Councilman Abrams, there was introduced upon the table, an ordinance to grant Text Amendment Application, T-54-82, Burgundy Park Associates, Inc., Applicant. Councilman Tyner asked if any information has been received from Montgomery County. William Chen, present in the audience, said the answer has been received. Councilman Tyner asked in Section 1-201(d) the work "existing" be explained as to whether it is existing when adopted or when the original plan is put in place.

Re: Adoption of City position
on SB 713, Outdoor Advertising
Highway signs

This is a bill adopted by the legislature to be signed by the Governor which governs outdoor advertising, highway signs. The City has been asked whether it would care to take a position on this.

On motion of Councilwoman Hovsepien, duly seconded and unanimously passed, the Council agreed to take no position.

Re: Adoption of Ordinance:
To amend Chapter 14E, Section
1-103, Property Address Numerals
to increase their height in
commercial buildings

Ordinance No. 11-83

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 11-83, the full text of which can be found in Ordinance Book

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No. 11 of the Mayor and Council, increasing the height of address numerals of commercial buildings, was adopted by the Mayor and Council.

Re: Adoption of Ordinance:
To amend Chapter 11, entitled
Traffic, Vehicles and Trans-
portation, to prohibit trucks
on certain streets

Ordinance No. 12-83

On motion of Councilman Tyner, duly seconded and unanimously passed, Ordinance No. 12-83, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council prohibiting trucks on certain streets, was adopted by the Mayor and Council.

Re: Adoption of Ordinance:
To amend Chapter 14A, Plumbing
Code, to require cleanouts
and locating devices

Ordinance No. 13-83

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 13-83, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, requiring cleanouts and locating devices, was adopted by the Mayor and Council.

Re: Adoption of Ordinance:
To add subsection 7-2.13(d)
to Chapter 7, to authorize
the City Manager to designate
City employees to enforce
Section 7-2.13(d)

Ordinance No. 14-83

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 14-83, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, authorizing the City Manager to designate City employees to enforce section 7-2.13(d), was adopted by the Mayor and Council.

Re: Correspondence:

The Mayor and Council noted the following items of correspondence:

1. Delegate Boergers, re traffic problem on Falls Road
2. Response to letter on HB 1277
3. Letters re Fallsmead Elementary School boundaries
4. L. Lampe and Rev. Adams re Rainbow Shelter

5. A. Kalica, NPAG, Area III, re Landlord Tenant Commission

Councilman Duncan asked the status of Landlord/Tenant Legislation. The City Attorney said it should be on the agenda for May 23 or June 13.

6. S. Herkelrath re Rockville Day

Councilman Duncan agreed that Rockville Day was an excellent celebration.

Re: Information Items

1. Copy of letter from Advisory Commission on Public Education to solicit membership for Task Force on boundary change
2. Flyer on Humanities Commission program
3. Report from Sign Ordinance Advisory Committee
4. Memo re Senior Center Fund Raising
5. Planning Commission letter re Federal CIP
6. Memo re Cleanup of right-of-way by ACSC
7. Memo re Summit Apartments school children

Councilwoman Hovsepian drew attention to this memo which noted the loss of school-age children if there were a change in the apartments. Mayor Freeland asked that copies of this be sent to the Rockville Housing Authority and the Education Commission, so they can see the implications this might have. He also noted that developers might get a better picture of what could happen at the Maryvale site then to be told it must be developed under R-60 by the staff. Councilman Abrams said it would be difficult for the City at this time to encourage tax-free bonds for rehabilitation if there is a loss of school children. Councilman Duncan said he does not necessarily agree with that sentiment. He said that should not be the City's position at this time. The Mayor stressed that the Mayor and Council has no sentiment to use the block program to delete affordable housing, but if there is a way to use the bond process, to bring about affordable housing, then the Council favors it. Councilman Duncan said the main fear was that if nothing was done by the City it could go condo. He would like to know the vacancy rate at the apartments. The City Manager said whatever happens, major investment and rehabilitations are needed in the next three to five years. Councilman Abrams noted that the City should always keep in mind its competing objectives and as such remain sensitive to actions that might have ramifications on City schools.

8. Memo re Housing Policy adoption schedule
9. Memo re Maryvale School site schedule
10. Memo re Lynn Court subdivision

Councilwoman Hovsepian noted how interesting this plan is. Councilman Duncan asked this to be shown to Mr. Fisher.

11. Memo re COG services

12. Productivity Program summary

Councilwoman Hovsepian commended the staff and asked the information be put in the Lobby for the public. The Council agreed that number 2 should be deleted, and the Mayor also suggested that number 14 on page 8 be deleted.

13. ACSC Evaluation Booklet

14. Senior Center newsletter

15. Memo from Director of Planning re Potomac Woods meeting

16. Memo re Gude Drive bridge plans revision

Councilwoman Hovsepian complimented the staff on this.

17. Memo re storm water management in West End neighborhood.

18. Memo re DOT presentation 5/25

19. Memo re Project Tracking system

20. Memo re Gift catalog for donations

Councilwoman Hovsepian said a catalog should be put out reflecting human needs and volunteer agencies could do the work up on it. Mayor Freeland asked that an article be put in the City's newsletter on the steps the City has taken to save money.

Re: New Business

1. Councilman Duncan said the Woodley Gardens East/West Homeowners Association took a vote of confidence on the Planning Commission at their last meeting. He asked this information be passed on to the Commission.

2. The Mayor said the same commissioners would like copies of the procedures for Boards and Commissions and when it is sent a sunset clause should be spelled out, simply stating that the Mayor and Council can phase out of existence boards or commissions after a period of review, if it is agreed that the work is completed and the Mayor and Council will do from time to time. He also suggested that since some people seem to have misplaced their copies, new copies be sent to them.

Re: Approval of Minutes

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 11-83, April 25, 1983, was approved as amended.

Re: Executive Session

On motion of Councilman Abrams, the meeting was closed for executive session to discuss litigation and to consult the with the City Attorney.

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Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 10:30 p.m. to convene again in general session on Monday, May 16 for public hearings, or at the call of the Mayor.